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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,800	09/30/2003	Margaret Ann Bernal	SVL920030038US1	2626

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EXAMINER
MYINT, DENNIS Y

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Interview Summary	10/676,800	BERNAL ET AL.
	Examiner	Art Unit	
	Dennis Myint	2162	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Dennis Myint (Examiner)*.

(3)*Janaki Davda (Applicant's Representative)*.

(2) *Cam Y. Truong (Primary Examiner)*.

(4)_____.

Date of Interview: *22 October 2007*.

Type: a)☒ Telephonic   b)☐ Video Conference
       c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
    If Yes, brief description: _____.

Claim(s) discussed: *1*.

Identification of prior art discussed: *Agarwal*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See Continuation Sheet*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

_____
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)
In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

_____

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
  (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

On October 22, 2007, Applicant's Representative, Janaki Davda, initiated a telephonic interview. Applicant's Representative explained in details how the amendments would (1) overcome the rejections made under 35 U.S.C. § 101 rejection in the prior office action and (2) differentiate claim 1 and other independent claims over the current prior art. Examiner replied that, said amendments would overcome the rejections made under 35 U.S.C. § 101 in the prior office and would differentiate claim 1 and other independent claims over the current prior art (i.e., the Agarwal reference). Examiner also added that Examiner reserves the right to thoroughly review the current prior art and update the search as necessary.

Dennis Myint
Examiner
AU-2162.

KONRAD RAYNES & VICTOR, LLP

315 S. Beverly Drive, Suite 210   *Telephone: (310) 556-7983*
Beverly Hills, California 90212   *Facsimile: (310) 556-7984*

FAX COVER SHEET

PLEASE DELIVER THIS FACSIMILE TO EXAMINER DENNIS Y. MYINT

TO: Commissioner for Patents   FROM: Janaki K. Davda
      Attn: Examiner Dennis Y. Myint   OUR REF: 0055.0068
      Group Art Unit: 2162   TELEPHONE: 310-556-7983

Total pages, including cover letter: **17**

PTO FAX NUMBER: 1-571-273-5629

If you do NOT receive all of the pages, please telephone us at 310-556-7983, or fax us at 310-556-7984.

Description of Documents Transmitted: **INTERVIEW REQUEST AND COPY OF AMENDMENT**

      Applicant: M.A. BERNAL et al.
      Serial No.:   10/676,800
      Filed: September 30, 2003
      Group Art Unit: 2162
      Docket No.:   SVL920030038US1

Applicant Initiated Interview Request Form

Application No.: 10/676,800   First Named Application: M.A. BERNAL et al.
Examiner: Dennis Y. Myint   Art Unit: 2162   Status of Application: Pending

Tentative Participants:
(1) Janaki K. Davda   (2) Dennis Y. Myint
(3) _____   (4) _____

Proposed Date of Interview: Proposed Time: 2:30 PM or later (EST)

Type of Interview Requested:
(1) ☒ Telephonic   (2) ☐ Personal   (3) ☐ Video Conference

Exhibit to be shown or demonstrated: ☐ Yes   ☒ No
If yes, provide a brief description: _____.

Issues to be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) __Rej.__	__1__	__Agarwal,__ Chow, and Kaluskar patents	☐	☐	☐
(2) _____	_____	_____	☐	☐	☐
(3) _____	_____	_____	☐	☐	☐
(4) _____	_____	_____	☐	☐	☐

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Applicants would like to discuss amendments to claim 1 made in an Amendment filed on September 28, 2007 (copy attached).

An Interview was conducted on the above-identified application on _____.

NOTE:
This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
This Application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

_____   _____
(Applicant/Applicant's Representative Signature)   (Examiner/SPE Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	M.A. BERNAL et al.	Examiner	Dennis Y. Myint
Serial No.	10/676,800	Group Art Unit	2162
Filed	September 30, 2003	Docket No.	SVL920030038US1
TITLE	METHOD, SYSTEM, AND PROGRAM FOR OPTIMIZED PARAMETER BINDING		

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being transmitted through the USPTO EFS-Web system over
the Internet to Dennis Y. Myint of the U.S. Patent and Trademark Office on September 28, 2007.

__/Janaki K. Davda/_____
Janaki K. Davda

AMENDMENT

Dear Examiner:

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks/Arguments begin on page 11.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1.   (Currently Amended) A method for input parameter binding, comprising:

at bind time, storing optimization information in a bind-in structure wherein the bind-in structure has an associated section number;

when executing a statement, when performing bind-in of host variables, comparing data in an application structure received with the statement with optimization information in [[a]] the bind-in structure, ~~wherein the application structure includes data to be inserted into a data store~~ and wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid; [[and]]

when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-in structure and the statement have a same section number; and

when there is not a match between the data in the application structure and the optimization information,

regenerating optimization information; and

executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store.

2.   (Cancelled)

3.   (Original) The method of claim 1, further comprising:
at bind time, storing the optimization information in the bind-in structure.

4.   (Cancelled)

5.   (Original) The method of claim 1, further comprising:

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for fixed length data,

storing an increment length by which a data pointer that is pointing to data in an application program area is to be incremented to find a location of a next data value; and

calculating the location of the next data value by adding the increment length to the data pointer.

6.   (Original) The method of claim 1, further comprising:

for distributed processing, at a client computer, calculating a location of data in a client communications buffer.

7.   (Original) The method of claim 1, further comprising:

for distributed processing, at a server computer, calculating a location of data in a server communications buffer.

8.   (Original) The method of claim 1, further comprising:

for distributed processing, at a client computer, calculating a location of data in an application program address space.

9.   (Original) The method of claim 1, further comprising:

when returning a handle to a cursor to a result set from a stored procedure to an application, recalculating the optimization information.

10.   (Currently Amended) A method for output parameter binding, comprising:

at bind time, storing optimization information in a bind-out structure wherein the bind-out structure has an associated section number;

when executing a statement, when performing bind-out of host variables, comparing data in an application structure received with the statement with optimization information in [[a]] the bind-out structure, wherein the application structure is capable of storing data to be retrieved from a data store and wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid; [[and]]

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when there is a match between the data in the application structure and data in the optimization information in the bind-out structure, executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-out structure and the statement have a same section number; and

when there is not a match between the data in the application structure and the optimization information,

regenerating optimization information; and

executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store.

11.   (Cancelled)

12.   (Original) The method of claim 10, further comprising:
at bind time, storing the optimization information in the bind-out structure.

13.   (Cancelled)

14.   (Original) The method of claim 10, further comprising:
for fixed length data,

storing an increment length by which a data pointer that is pointing to data in an application program area is to be incremented to find a location of a next data value; and

calculating the location of the next data value by adding the increment length to the data pointer.

15.   (Original) The method of claim 10, further comprising:
for distributed processing, at a client computer, calculating a location of data in a client communications buffer.

16.   (Original) The method of claim 10, further comprising:
for distributed processing, at a server computer, calculating a location of data in a server communications buffer.

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17.   (Original) The method of claim 10, further comprising:

for distributed processing, at a client computer, calculating a location of data in an application program address space.

18.   (Original) The method of claim 10, further comprising:

when returning a handle to a cursor to a result set from a stored procedure to an application, recalculating the optimization information.

19.   (Currently Amended) An article of manufacture including a program for input parameter binding, wherein the program causes operations to be performed, the operations comprising:

at bind time, storing optimization information in a bind-in structure wherein the bind-in structure has an associated section number;

when executing a statement, when performing bind-in of host variables, comparing data in an application structure received with the statement with optimization information in [[a]] the bind-in structure, wherein the application structure includes data to be inserted into a data store and wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid; [[and]]

when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-in structure and the statement have a same section number; and

when there is not a match between the data in the application structure and the optimization information,

regenerating optimization information; and

executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store.

20.   (Cancelled)

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21.   (Original) The article of manufacture of claim 19, wherein the operations further
comprise:

at bind time, storing the optimization information in the bind-in structure.

22.   (Cancelled)

23.   (Original) The article of manufacture of claim 19, wherein the operations further
comprise:

for fixed length data,

storing an increment length by which a data pointer that is pointing to data in an
application program area is to be incremented to find a next data value; and

calculating the location of the next data value by adding the increment length to
the data pointer.

24.   (Original) The article of manufacture of claim 19, wherein the operations further
comprise:

for distributed processing, at a client computer, calculating a location of data in a client
communications buffer.

25.   (Original) The article of manufacture of claim 19, wherein the operations further
comprise:

for distributed processing, at a server computer, calculating a location of data in a server
communications buffer.

26.   (Original) The article of manufacture of claim 19, wherein the operations further
comprise:

for distributed processing, at a client computer, calculating a location of data in an
application program address space.

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27.   (Original) The article of manufacture of claim 19,wherein the operations further comprise:

when returning a handle to a cursor to a result set from a stored procedure to an application, recalculating the optimization information.

28.   (Currently Amended) An article of manufacture including a program for output parameter binding, wherein the program causes operations to be performed, the operations comprising:

at bind time, storing optimization information in a bind-out structure wherein the bind-out structure has an associated section number;

when executing a statement, when performing bind-out of host variables, comparing data in an application structure received with the statement with optimization information in [[a]] the bind-out structure, wherein the application structure is capable of storing data to be retrieved from a data store and wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid;[[and]]

when there is a match between the data in the application structure and data in the optimization information in the bind-out structure, executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-out structure and the statement have a same section number; and

when there is not a match between the data in the application structure and the optimization information,

regenerating optimization information; and
executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store.

29.   (Cancelled)

30.   (Original) The article of manufacture of claim 28, wherein the operations further comprise:

at bind time, storing the optimization information in the bind-out structure.

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31. (Cancelled)

32. (Original) The article of manufacture of claim 28, wherein the operations further comprise:

for fixed length data,

storing an increment length by which a data pointer that is pointing to data in an application program area is to be incremented to find a next data value; and

calculating the location of the next data value by adding the increment length to the data pointer.

33. (Original) The article of manufacture of claim 28, wherein the operations further comprise:

for distributed processing, at a client computer, calculating a location of data in a client communications buffer.

34. (Original) The article of manufacture of claim 28, wherein the operations further comprise:

for distributed processing, at a server computer, calculating a location of data in a server communications buffer.

35. (Original) The article of manufacture of claim 28, wherein the operations further comprise:

for distributed processing, at a client computer, calculating a location of data in an application program address space.

36. (Original) The article of manufacture of claim 28, wherein the operations further comprise:

when returning a handle to a cursor to a result set from a stored procedure to an application, recalculating the optimization information.

37.   (Currently Amended) A system for input parameter binding, comprising:

at bind time, storing optimization information in a bind-in structure wherein the bind-in structure has an associated section number;

when executing a statement, when performing bind-in of host variables, means for comparing data in an application structure received with the statement with optimization information in [[a]] the bind-in structure, ~~wherein the application structure includes data to be inserted into a data store and~~ wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid; [[and]]

when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, means for executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-in structure and the statement have a same section number; and

when there is not a match between the data in the application structure and the optimization information,

regenerating optimization information; and

executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store,

38.   (Currently Amended) A system for output parameter binding, comprising:

at bind time, storing optimization information in a bind-out structure wherein the bind-out structure has an associated section number;

when executing a statement, when performing bind-out of host variables, means for comparing data in an application structure received with the statement with optimization information in [[a]] the bind-out structure, ~~wherein the application structure is capable of storing data to be retrieved from a data store and~~ wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid; [[and]]

when there is a match between the data in the application structure and data in the optimization information in the bind-out structure, means for executing the statement with the

optimization information <u>to perform one of fetching data from the data store and inserting data</u>

<u>into the data store, wherein the bind-out structure and the statement have a same section number;</u>

<u>and</u>

   <u>when there is not a match between the data in the application structure and the</u>

<u>optimization information,</u>

     <u>regenerating optimization information; and</u>

   <u>executing the statement with the regenerated optimization information to perform one of</u>

<u>fetching data from the data store and inserting data into the data store.</u>

REMARKS/ARGUMENTS

Claims 1, 3, 5-10, 12, 14-19, 21, 23-28, 30, and 32-38 are pending in the application. Claims 1, 10, 19, 28, 37, and 38 have been amended. Claims 2, 4, 11, 13, 20, 22, 29, and 31 have been cancelled without prejudice. Reconsideration is respectfully requested. Applicant submits that the pending claims 1, 3, 5-10, 12, 14-19, 21, 23-28, 30, and 32-38 are patentable over the art of record and allowance is respectfully requested of claims 1, 3, 5-10, 12, 14-19, 21, 23-28, 30, and 32-38.

Claims 1-2, 10-11, 19-20, 28-29, 37, and 38 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner submits that the rejected claims fail to produce tangible results. Applicants respectfully traverse, but, in order to expedite prosecution, Applicants have amended claims 1, 10, 19, 28, 37, and 38 to describe that executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-in structure and the statement have a same section number (e.g., Specification, page 14, paragraph 43 – page 20, paragraph 58; Figures 5-9). Applicants respectfully request withdrawal of this rejection in light of the amendments.

Claims 1, 3, 10, 12, 19, 21, 28, 30, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. Patent No. 6351742) in view of Chow et al. (U.S. Patent No. 5875334). Applicants respectfully traverse.

Claims 2, 9, 11, 18, 20, 27, 29, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. Patent No. 6351742) in view of Chow et al. (U.S. Patent No. 5875334) and further in view of Kaluskar et al. (U.S. Patent No. 6,985,904). Applicants respectfully traverse.

Claims 2, 11, 20, and 29 have been incorporated into their respective independent claims 1, 10, 19, and 28. Therefore, Applicants will address the rejection of claim 1 with reference to the Agarwal, Chow, and Kaluskar patents.

Amended claim 1 describes, at bind time, storing optimization information in a bind-in structure wherein the bind-in structure has an associated section number (e.g., Specification, page 7, paragraph 18; page 9, paragraph 25). When executing a statement, when performing

bind-in of host variables, data in an application structure received with the statement is compared with optimization information in the bind-in structure, wherein the application structure includes data to be inserted into a data store for an insert statement and stores data retrieved from the data store for a fetch statement and wherein the optimization information includes at least one of data type, length, Coded Character Set Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid (e.g., Specification, page 8, paragraph 23). When there is a match between the data in the application structure and data in the optimization information in the bind-in structure, the statement is executed with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-in structure and the statement have a same section number (e.g., Specification, page 11, paragraph 32; page 12, paragraph 39). When there is not a match between the data in the application structure and the optimization information, optimization information is regenerated and the statement is executed with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store (e.g., Specification, page 11, paragraph 35).

The Agarwal patent describes a list of arguments can be passed to the optimizer, a description of the arguments in the database can be passed to the optimizer, and the optimizer then estimates the cost for each execution plan (Col 3, line 66 – Col. 4, line 39). The estimated costs may be generated by use of the previously calculated selectivity value, and the optimizer then selects for execution the execution plan having the lowest relative cost (Col. 4, lines 39-42). At Col. 8, lines 1-22, the Agarwal patent describes a database statement that queries for all entries from Table3 in which the values of the column Table3.col equal arctan (:x). The Agarwal patent here compares values of columns in a table with arctan(:x). Applicants respectfully submit that this does not teach or suggest, at bind time, storing optimization information in a bind-in structure wherein the bind-in structure has an associated section number, and, when executing a statement, when performing bind-in of host variables, *comparing data in an application structure received with the statement with optimization information in the bind-in structure*, wherein the application structure includes data to be inserted into a data store for an insert statement and stores data retrieved from the data store for a fetch statement and wherein the optimization information includes at least one of data type, length, Coded Character Set

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Identifier, an array size, an indication of whether conversions are required, and an indication of whether the required conversions are valid.

As to, when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information, the Examiner cites the Agarwal patent at Col. 4, lines 41-44, which describes that the optimizer then selects for execution the execution plan having the lowest relative cost. First, this execution plan is not selected based on whether there is a match between the data in the application structure and data in the optimization information in the bind-in structure. Second, Applicants respectfully submit that selection of an execution plan does not teach or suggest, when there is a match between the data in the application structure and data in the optimization information in the bind-in structure, executing the statement with the optimization information to perform one of fetching data from the data store and inserting data into the data store, wherein the bind-in structure and the statement have a same section number and, when there is not a match between the data in the application structure and the optimization information, regenerating optimization information and executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store.

Also, there is no teaching or suggestion in the Agarwal patent that the bind-in structure used for comparison with the execution structure has a same section number as the statement.

The Chow patent does not cure the defects of the Agarwal patent.

The Kaluskar patent describes at Col. 3, lines 57-64, that if a match is not found, then compilation proceeds. Continuing with compilation does not teach or suggest, when there is not a match between the data in the application structure and the optimization information, regenerating optimization information and executing the statement with the regenerated optimization information to perform one of fetching data from the data store and inserting data into the data store.

Thus, amended claim 1 is not taught or suggested by the Agarwal, Chow or Kaluskar patent, either alone or in combination.

Claims 19 and 37 are not taught or suggested by the by the Agarwal, Chow or Kaluskar patents, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Claims 10, 28, and 38 describe bind-out, rather than bind-in (as described in claim 1). Applicants respectfully submit that claims 10, 28, and 38 are not taught or suggested by the by the Agarwal, Chow or Kaluskar patents, either alone or in combination, for at least the same reasons as were discussed with respect to claim 1.

Dependent claims 3, 9, 12, 18, 21, 27, 30, and 36 incorporate the language of independent claims 1, 10, 19, and 28 and add additional novel elements. Therefore, dependent claims 3, 9, 12, 18, 21, 27, 30, and 36 are not taught or suggested by the Kaluskar patent or the Crone patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 10, 19, and 28.

Claims 5, 14, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. Patent No. 6351742) in view of Chow et al. (U.S. Patent No. 5875334) and further in view of Desai et al. (U.S. Patent No. 6567816). Applicants respectfully traverse. Additionally, Applicants respectfully submit that the rejection is moot in light of the new amendments.

The Desai patent does not cure the defects of the Agarwal and Chow patents. For example, the Desai patent does not teach or suggest, the subject matter of claims 1, 10, 19, and 28. Therefore, claims 1, 10, 19, and 28 are not taught or suggested by the Agarwal patent, the Chow patent or the Desai patent, either alone or in combination.

Dependent claims 5, 14, 23, and 32 incorporate the language of independent claims 1, 10, 19, and 28 and add additional novel elements. Thus, claims 5, 14, 23, and 32 are not taught or suggested by the Agarwal patent, the Chow patent or the Desai patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 10, 19, and 28.

Claims 6-8, 15-17, 24-26, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. Patent No. 6351742) in view of Chow et al. (U.S. Patent No. 5875334) and further in view of Jordan II et al. (U.S. Patent No. 5,875,442). Applicants respectfully traverse. Additionally, Applicants respectfully submit that the rejection is moot in light of the new amendments.

The Jordan II patent does not cure the defects of the Agarwal and Chow patents. For example, the Jordan II patent does not teach or suggest the subject matter of claims 1, 10, 19, and 28. Therefore, claims 1, 10, 19, and 28 are not taught or suggested by the Agarwal patent, the Chow patent or the Jordan II patent, either alone or in combination.

Dependent claims 6-8, 15-17, 24-26, and 33-35 incorporate the language of independent claims 1, 10, 19, and 28 and add additional novel elements. Thus, claims 6-8, 15-17, 24-26, and 33-35 are not taught or suggested by the Agarwal patent, the Chow patent, or the Jordan II patent, either alone or in combination, for at least the same reasons as were discussed with respect to claims 1, 10, 19, and 28.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1, 3, 5-10, 12, 14-19, 21, 23-28, 30, and 32-38 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

Dated: September 28, 2007   By:___/Janaki K. Davda/_____

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